

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE TRIAL OF THE CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, if this were a sermon, I would use as the text Romans 12:19 which says, and I want to remind the House that we are a Christian Nation, that says, Avenge not yourselves, for it is written, vengeance is mine. I will repay, saith the Lord.

Now we are in the process of beginning a trial which is going to be the trial of the century. I think the United States people and the Congress should think about what it is we are setting out to do. On Wednesday, the trial of the century will begin. It will start at a secret Green Zone location by an anonymous court and under extreme U.S. military-imposed security measures.

It is a made-in-the-USA affair in administrative and financial terms. The court and the training and the whole proceedings cost us \$75 million of our taxes. About 300 people, all hired by the Americans, are working on the trial. The five secret Iraq judges, Shiites and Kurds, no Sunnis, are paid by the Americans, are living inside the Green Zone and are protected by the Americans from being either kidnapped or killed. They have received special training from U.S. and British and Australian legal experts, and they have even staged a mock trial.

If the defendant in this case is convicted, he will be able to file appeals and then will, within 30 days of those appeals being denied, be hung in that country in which he lives.

Now, this special Iraq tribunal was substituted by former American consul, Mr. Bremer, in December 2003, curiously almost 3 days before Saddam was captured, supposedly. Now, that is

the view of this case from the Arab world. That comes from an article in the Asia Times by a reporter named Pepe Escobar, and it is called "The Occupiers' Trial." This is how it is seen from the Arab world.

Now, you say, well, you know, that is just those Arabs. Pick up today's New York Times and there is the story on the editorial pages of the New York Times: "Saddam and Iraq on Trial," and here is what it says: "The opportunity created by the trial of Saddam Hussein to introduce the rule of law and the ideal of national reconciliation into Iraq has been largely squandered . . . At almost every turn, ill-conceived decisions by the United States and Iraqi-dominated Shiite religious and Kurdish nationalist parties have put politics and score-settling first."

Remember that quote about vengeance:

"The cost has been an indifference to legal scrupulousness and they are waging a costly vendetta by Kurdish and Shiite victims against Sunni Arabs who were once their oppressors."

That is the New York Times talking to our President who insists on doing this.

Now, the question you might ask yourself is, Why did they do it this way? I mean, any reasonable person might ask that. Well, this trial was set up this way for a variety of reasons. It should have been a scrupulously fair trial where you would have at least one Sunni among the judges. I mean, Saddam Hussein is a Sunni. We insist on a jury of your peers, and we have gone to a lot of trouble in this country to make sure there are peers on the juries, but not in this case.

We are looking to prove him personally accountable. Now, in the case in Iraq where legal training and appointments have been bent for decades to the political whims of the political, they should have called for enlisting help from international legal experts and used relevant precedents in international criminal law.

Why did they not do that? Why did they not call in an international tribunal like they did at Nuremberg at the end of the Second World War? This is the New York Times talking. Bush administration and its Iraq allies strongly oppose that step because it would have precluded the death penalty. They want a public hanging.

Now, once that decision was made, Iraq lawyers and American lawyers were the ones they were going to rely on. They were not going to get anybody national. They should have been well insulated, those people who were doing, this from political pressures. Instead, this special tribunal who organized the trial has been subject to constant manipulation and intimidation by Ahmad Chalabi. Remember him? The ceaselessly conspiring emigre politician who wants to make anti-Baathist vendettas his latest political platform.

We are setting ourselves up for a serious problem.

[From the New York Times]

SADDAM AND IRAQ ON TRIAL

The opportunity created by the trial of Saddam Hussein to introduce the rule of law and the idea of national reconciliation into Iraq has been largely squandered even before the courtroom proceedings begin. At almost every turn, ill-considered decisions by the United States and Iraq's dominant Shiite-religious and Kurdish-nationalist parties have put politics and score-settling first. The cost has been an indifference to legal scrupulousness, as well as a failure to distinguish between pursuing the specific crimes of a dictator that must be punished in a court and waging a collective vendetta by Kurdish and Shiite victims against the Sunni Arabs who were once their oppressors.

There is still time to shift this exercise in victor's Justice to a more constructive course because the trial will adjourn for several weeks after today's televised opening. For that to happen, the Iraqi lawyers and judges will have to stand-up to intense and continuing pressures from their political masters for a choreographed proceeding that seems timed to gain short-term advantages at the expense of national healing and an airing of recent Iraqi history.

When invading United States forces drove Mr. Hussein from power two and a half years ago, Americans naively expected rejoicing throughout Iraq and rapid efforts at democratic reconstruction. One main reason that did not happen, apart from the well-known mistakes by the American occupation authorities, was the arbitrary, violent and fragmented nature of the society left behind by the dictator, who had ruled through murder, fear and persecution.

One of the best ways to repair such a damaged society is a systematic judicial investigation of the regime's crimes. That should be followed by a scrupulously fair trial of those found personally accountable. In the case of Iraq, where legal training and appointments had been bent for decades to the political whims of the dictatorship, that should have called for enlisting help from international legal experts and using relevant precedents in international criminal law. The Bush administration and its Iraqi allies strongly opposed that step because it would have excluded the death penalty.

Once the decision was made to rely on Iraqi lawyers and American Advisers, they should have been well insulated from political pressures. Instead, the special tribunal organizing the trial has been subjected to constant manipulation and intimidation by Ahmad Chalabi, the ceaselessly conspiring emigre politician who has made anti-Baathist vendettas the latest political platform.

Finally, this prosecution would have been conducted differently if it were a serious attempt to uncover the murky lines of authority and responsibility within the Baathist regime and establish Mr. Hussein's clear personal responsibility for at least some of the roughly 300,000 murders committed in his name. It would have built up its case methodically, from the field operatives carrying out the killings to the officials who gave them their orders and on up the chain of command to Mr. Hussein himself.

Instead, today's trial will begin with what prosecutors and politicians decided was the easiest case to prove, a mass execution in a Shiite town that followed a failed 1982 assassination attempt against Mr. Hussein. These killings ought to be prosecuted. But if the aim is to uncover the broader criminal conspiracy in order to punish the truly guilty and absolve those guilty only by association, other trials should have come first.

What we have is a narrow sectarian government, still struggling to come up with a